

1 RUTAN & TUCKER, LLP  
Mark J. Payne (State Bar No. 157989)  
2 mpayne@rutan.com  
Brandon Sylvia (State Bar No. 261027)  
3 bsylvia@rutan.com  
611 Anton Boulevard, Suite 1400  
4 Costa Mesa, California 92626-1931  
Telephone: 714-641-5100  
5 Facsimile: 714-546-9035

6 Attorneys for Defendant  
ALL AMERICAN ASPHALT

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 FREDERICK JONES,

12 Plaintiff,

13 vs.

14 ALL AMERICAN ASPHALT,  
a corporation,

15 Defendant.

Case No. ED CV 12-02107 TJH (DTBx)

**INITIAL DISCLOSURES OF  
DEFENDANT ALL AMERICAN  
ASPHALT**

**[F.R.C.P. RULE 26(a)]**

Date Action Filed: December 7, 2012  
Trial Date: Not Assigned

16  
17  
18 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

19 Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Defendant All  
20 American Asphalt ("All American") makes the following disclosures.

21 **PRELIMINARY STATEMENT**

22 These initial disclosures are based on the information reasonably available to  
23 All American at this time. All American's investigation of this action has just  
24 begun, and Plaintiff has not yet provided any documents or discovery of any kind.  
25 Accordingly, All American may (1) identify additional witnesses likely to have  
26 discoverable information that All American may use to support its claims and  
27 defenses, and (2) identify and/or produce additional documents, data compilations or  
28 tangible things that All American may use to support its claims and defenses. All

1 American hereby reserves its right to notify Plaintiff of any additional witnesses  
2 with discoverable information or documents that support All American's position.

3 All American understands the disclosure requirements to exclude the  
4 production of documents or identification of information protected by the attorney-  
5 client privilege and/or work product doctrine. All American, therefore, is not  
6 disclosing or producing any such information.

7 A. *Potential Witnesses.*

8 Pursuant to Rule 26(a)(1)(A), All American identifies the following  
9 individuals who have or may have discoverable information that All American may  
10 use to support its defenses. All American reserves the right under Rule 26(e)(1) of  
11 the Federal Rules of Civil Procedure to supplement this list of witnesses.

12 1. Frederick Jones, the plaintiff.

13 2. Darren Cook, Supervisor, who can be reached through All  
14 American's counsel of record.

15 3. Chuck Chaple, Dispatch Manager, who can be reached through  
16 All American's counsel of record.

17 B. *Documents.*

18 Pursuant to Rule 26(a)(1)(B), All American identifies the following  
19 categories of documents, electronically stored information, and tangible things it has  
20 in its possession, custody, or control that it may use to support its defenses in this  
21 action:

22 1. Doctors' notes provided by Plaintiff to All American concerning  
23 his medical conditions and inability to work.

24 2. Employee Job Time Reports for Plaintiff.

25 3. Employee Job Time Reports for other All American flat saw  
26 cutters—specifically, Eric Stengel, Jeff Turner, Gilbert Robles, and Alan Stauber.

27 4. Documents Plaintiff submitted to the California Department of  
28 Fair Employment & Housing.

1                   5. Documents Plaintiff submitted to the U.S. Equal Employment  
2 Opportunity Commission.

3                   6. All American policies prohibiting harassment and  
4 discrimination.

5                   7. All American anti-harassment training materials and sign-in  
6 sheets.

7           C. *Insurance.*

8           At this time, All American is not aware of any insurance agreement  
9 responsive to Rule 26(a)(1)(D). All American reserves the right, however, to  
10 supplement this disclosure if a responsive agreement is later identified.

11  
12 Dated: February 27, 2013

RUTAN & TUCKER, LLP  
MARK J. PAYNE  
BRANDON L. SYLVIA

13  
14 By:           /s/ Brandon L. Sylvia            
15       Brandon L. Sylvia  
16       Attorneys for Defendant  
17       ALL AMERICAN ASPHALT  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28